

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

U.S. BANK NATIONAL ASSOCIATION, as  
Trustee for the Registered Holders of Wachovia  
Bank Commercial Mortgage Trust, Commercial  
Mortgage Pass-Through Certificates, Series  
2006-C28, acting by and through its Special  
Servicer, CWCAPITAL ASSET  
MANAGEMENT LLC,

Plaintiff,

- against -

DEXIA REAL ESTATE CAPITAL MARKETS  
f/k/a ARTESIA MORTGAGE CAPITAL  
CORPORATION,

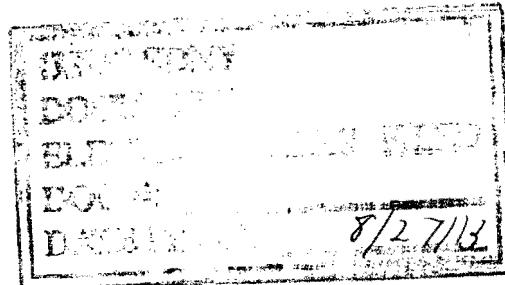
Defendant/Third-Party Plaintiff.

- against -

BEST & FLANAGAN, LLP, KATHY ALLEN,  
f/k/a Kathy Yip, QUINLIVAN & HUGHES, PA,  
RONALD BRANDENBURG, ROBERT C.  
ABEL, STEPHEN R. UPGREN, DAVID P.  
KLUG, RANDALL L. HAGEN,

Third-Party Defendants.

12-CV-09412 (SAS)

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for Dexia Real Estate Capital Markets f/k/a Artesia Mortgage Capital Corporation ("Defendant/Third-Party Plaintiff") and third-party defendants Quinlivan & Hughes, PA and Ronald Brandenburg ("Third-Party Defendants") as follows:

(1) The third-party complaint herein is dismissed without prejudice against Third-Party Defendants;

(2) Third-Party Defendants will not object to Defendant/Third-Party Plaintiff amending its pleadings in the Minnesota state court litigations captioned *Abel v. Kathy Yip, et al.* Case No. 27-CV-13-9898, and/or *Hagen v. Yip, et al.* Case No. 27-CV-13-10010 (the "Minnesota Action") to add the parties and claims being voluntarily dismissed pursuant to this stipulation (it is anticipated that those cases will be consolidated into a single proceeding);

(3) Defendant/Third-Party Plaintiff's claims for relief in the Minnesota Action shall be substantially similar to the third-party claims being voluntarily dismissed without prejudice pursuant to this Stipulation and Order; and

(4) The foregoing is without prejudice to Third-Party Defendants' ability to assert any and all appropriate defenses by way of pleading, motion or otherwise to the amended pleadings in the Minnesota Action.

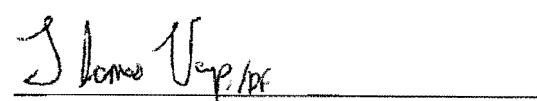
Dated: New York, New York

August 21, 2013

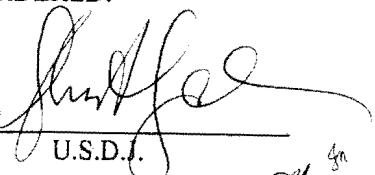
POLSINELLI PC

  
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\_\_\_\_\_  
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and Kathy Allen  
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SO ORDERED:

  
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U.S.D.J. <sup>4n</sup>  
8/27/13